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(SPACE BELOW FOR FILING STAMP ONLY)

Attorneys for Defendant
INSURANCE CORPORATION OF NEW YORK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT, SACRAMENTO DIVISION

KERRY MEEKER dba MEEKER
CONSTRUCTION,

Plaintiff,

v.

THE INSURANCE CORPORATION OF
NEW YORK; and DOES 1 - 100,
inclusive,

Defendants.

Case No. CIV S 04 1096 WBS DAD

**NOTICE TO VACATE JULY 5, 2005
PRETRIAL SETTLEMENT
CONFERENCE**

TO THE CLERK OF THE UNITED STATES DISTRICT COURT, EASTERN
DISTRICT OF CALIFORNIA:

PLEASE TAKE NOTICE that Defendant, INSURANCE CORPORATION OF NEW

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1 YORK ("INSCORP"), and Plaintiff, KERRY MEEKER dba MEEKER CONSTRUCTION,
2 presently have a pending settlement agreement and therefore request that this Court vacate the
3 pretrial conference scheduled for July 5, 2005.

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5 Dated: June 30, 2005

McCORMICK, BARSTOW, SHEPPARD
WAYTE & CARRUTH LLP

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8 By: /s/ Annette A. Ballatore-Williamson

Wade M. Hansard

Annette A. Ballatore-Williamson

Attorneys for Defendant

INSURANCE CORPORATION OF NEW
YORK

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11 Dated: June 24, 2005

12
13 THE SCHARF LAW FIRM

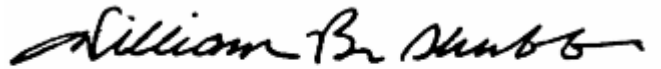
14 By /s/ Robert W. Scharf

Robert W. Scharf

Attorney for Plaintiff

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17 IT IS SO ORDERED. If for any reason the settlement is not consummated, the
18 parties shall take the necessary steps to have the matter reset for pretrial conference and trial.

19 Dated: June 30, 2005

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WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE

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23 42388/00019-837213.v1